United Nations CEDAW/C/SR.1395

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
18 March 2016

English only

Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1395th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 1 March 2016, at 10 a.m.

Chair: Ms. Hayashi

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Haiti (continued)
(CEDAW/C/HTI/8-9; CEDAW/C/HTI/Q/8-9 and Add.1)

1. *At the invitation of the Chair, the delegation of Haiti took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Mr. Bazelais** (Haiti), responding to questions raised at the previous meeting, said that Haitians who lacked birth certificates were not deemed to be stateless persons because a declaration of birth could be made at a later stage pursuant to a decree adopted in 2012. The Ministry of Justice and Public Security, which was responsible for running the civil status system based on registry offices, had organized mobile units that travelled to communal sections to issue birth certificates. Haitian nationality was transmitted to foreigners who married Haitian women or men pursuant to the 1984 Nationality Act. However, as that Act failed to provide for cases of statelessness, a new bill had been drafted to address the problem. Dual nationality was also permissible. A bilateral commission was discussing the situation of stateless persons from Haiti who were currently resident in the Dominican Republic.

3. **Ms. Romulus** (Haiti) said that the Ministry of Justice and Public Security had increased the number of clerks who were employed in civil registry offices and travelled to communal sections to issue birth certificates. Registry units had also been established in hospitals to enable mothers to register their children.

4. **Mr. Bazelais** (Haiti) said that registry units had been established in at least six hospitals to date. As soon as additional financial resources became available, the system would be extended to other hospitals and health-care centres.

5. **Ms. Schulz** asked whether the civil registry offices had been combined with the National Identification Office, which issued identity cards. She also wished to know whether the State party had considered ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. She welcomed the recognition of dual nationality, which frequently played an important role in ensuring gender equality.

6. **Mr. Bazelais** (Haiti) said that the Ministry of Justice and Public Security planned to combine the National Identification Office with the civil registry offices. The information that the National Identification Office registered for the purpose of issuing a national identity card was occasionally provided by witnesses accompanying the applicant. That information could subsequently be used by the registry offices to issue a birth certificate.

7. **Ms. Romulus** (Haiti) said that the Government intended to ratify the two Conventions on statelessness in the near future. Responding to a question raised at the previous meeting, she said that no bill had as yet been drafted on the right to asylum.

8. **Ms. Schulz** asked how long it would take for the State party to provide birth certificates and national identity cards to the entire population.

9. **Ms. Gelin** (Haiti) said that she was unable to specify the time frame. However, vigorous action was being taken to ensure that newborn babies were immediately registered. It would be more difficult to expedite the process in the case of adults. There was a unit of

the National Identification Office at the Ministry for the Status of Women and Women's Rights, which issued national identity cards to women, including women with disabilities.

10. **Ms. Hofmeister**, revisiting a number of questions that she had raised at the previous meeting, asked what concrete steps the State party had taken to protect human rights defenders against violence, whether women with disabilities were employed in the civil service, and whether women occupied decision-making positions on private sector boards. She would also like information about the role of women and girls as agents of change in the areas of sustainable development policies, climate change policies and natural resource management.

11. **Mr. Bazelais** (Haiti) said that, one year previously, the Ministry of Justice and Public Security had requested the courts to consider the complaints of certain human rights defenders who had been intimidated. Security services, such as police oversight of the human rights defenders' offices, had been provided in some cases.

12. **Ms. Gelin** (Haiti) said that each ministry and public institution was required to employ at least two women with disabilities. Replying to the question concerning the role of women and girls as agents of change, she said that the Government encouraged female students at vocational schools and universities to seek qualifications that guaranteed highly paid careers. Women were heavily involved in the informal economy, but they lacked social protection and were therefore among the first to suffer when political problems arose. The Government was endeavouring to promote their involvement in more formal sectors such as construction and transport.

Articles 10 to 14

13. **Ms. Bailey** noted that, according to the 2010-2011 schools census, there had been an improvement in access to primary and secondary education among girls, and that enrolment ratios for the two sexes were now almost equal at both levels. However, according to data for 2008 provided by the United Nations Children's Fund (UNICEF), only 51.5 per cent of girls had been enrolled at the primary level and only 21.1 per cent at the secondary level. She understood that schools at both levels were predominately privately owned or community-based establishments and that students whose families were unable to pay the fees were excluded. The Committee therefore commended the State party on its decision to launch a free and compulsory universal education programme in 2011. According to the replies to the list of issues, free education had been provided in 2014/15 for just under 1.5 million children, almost half of whom were girls. She asked whether the programme targeted fee-paying students who were unable to afford the fees, children who had dropped out of school or children who had never attended school. She also wished to know whether the Ministry of Education had devised a long-term strategy to convert the privately owned system into a public system so that the goal of free and compulsory education could be realized for a larger majority of students, particularly girls.

14. It had been reported in 2014 that 60 per cent of schools lacked sanitary facilities and that 75 per cent had no water. As those problems had a particularly adverse impact on adolescent girls, who required such facilities to maintain their menstrual hygiene, she would like to know whether the deficiencies were being addressed.

15. As literacy rates were lower for women than for men and lower for both sexes in rural areas, she asked whether the national literacy campaign launched in March 2014 would specifically target rural women. She also wished to know whether the campaign was being coordinated with the pursuit of adult literacy goals under extreme poverty reduction programmes in order to maximize gains in women's literacy and ensure effective use of resources.

16. Given girls' restricted access to secondary and tertiary education, vocational education was an important means of self-employment and income generation for young women. According to the report, women had accounted for 42 per cent of the 2013 intake of the National Institute of Vocational Training but tended to pursue options that were in line with traditional women's roles and were not in keeping with labour market opportunities. She asked whether the Ministry of Education planned to encourage both sexes, but particularly girls, to move into non-traditional areas that could enable them to become economically independent.

17. According to the replies to the list of issues, information about acts of violence and the sexual harassment of girls in schools was compiled by women's organizations. She asked why the Ministry of Education was not more directly involved in monitoring and controlling the situation, especially since such acts violated the Criminal Code. Since the parts of the 2014-2020 National Action Plan that provided for action against sexual violence in schools, the introduction of a sexual and reproductive health education curriculum and the adoption of measures to eliminate gender stereotypes had not yet been implemented, she would like to know whether a time frame for implementation had been set.

18. **Ms. Nwankwo** asked why the promulgation of the draft act on the labour conditions of domestic workers had been delayed and whether the draft contained provisions on minimum pay, sick leave, compensation for work accidents, rest periods and workplace inspections to ensure safe and decent working conditions. She also wished to know whether the law prescribed penalties for employers who were guilty of abusing or exploiting domestic workers. Commending the reorganization and strengthening of the labour inspectorate, she enquired whether new inspectors had been recruited and adequately trained, including in the provisions of the Convention, and what percentage of inspectors were women.

19. According to a business survey conducted by the Ministry of Commerce and Industry, women accounted for just over 61.4 per cent of enterprise owners. She would like to know more about the basic definition of enterprises and the types of enterprises owned by women. According to alternative sources of information, women were employed in unpaid or poorly paid labour-intensive and gender-stereotyped activities in the informal sector. In its reply to the Committee's question concerning the informal sector, the State party had merely stated that security had been enhanced in areas surrounding public markets with a view to protecting female street vendors against various types of aggression.

20. Gender-stereotyped small-scale enterprises such as street vendors continued to be marginalized in mainstream policies and were denied access to credit, training, technology, mobility and markets. She asked whether steps were being taken to use small-scale enterprises in the informal sector as a mechanism for giving women the increased economic power that could lead to greater domestic power and control over their lives. Information about efforts to redistribute resources and to provide women with greater access to means of production, including credit, training and technology, would also be useful.

21. Since the State party was required to ensure that the private sector did not discriminate against women in recruitment, remuneration, promotion or training, she wished to know to what extent the Government was implementing and monitoring public and private sector employment, equity and positive action programmes to address systemic discrimination against women in the labour force, particularly women with disabilities and women belonging to other disadvantaged groups. She would also like to know about efforts to implement the principle of equal remuneration for work of equal value and whether any specific mechanism had been established to adjudicate matters relating to wage discrimination. Information about the impact of strategies to eliminate child labour and, more specifically, to address the excessive domestic demands made on girls, who were

required to carry out unpaid work both in their own homes and in other households, was also needed.

22. **Ms. Chalal** said that she was concerned about the persistent obstacles to full enjoyment of the right to health faced by women, particularly rural women, women with disabilities, internally displaced women, lesbian, bisexual and transgender women and women detainees, and asked what measures had been taken to guarantee women's access to health care and other health-related social services. She would also like information about action taken to improve health-care facilities and provide such facilities with qualified staff and adequate resources.

23. She asked whether steps had been taken to expedite the enactment of the bill to decriminalize abortion and whether the law would legalize abortion in cases where the mother's life or health were in danger, and in cases of rape, incest or severe malformation of the fetus. Given the high maternal mortality rate, details of any measures taken to ensure that abortion was not used as a family planning measure would be appreciated.

24. She also wished to know whether the 2014-2020 National Action Plan of the Ministry for the Status of Women and Women's Rights facilitated access for students in different age groups to comprehensive courses in sexual health and hygiene, reproduction, family planning services and the use of modern contraceptives; whether the 72-hour rule following rape was respected; and whether the rule was applicable to women with disabilities, who were reportedly stigmatized in the health services and in some cases denied access to health care. Noting that lesbian, bisexual and transgender persons were also allegedly subjected to discrimination and therefore sometimes refrained from seeking medical care even if their lives were at risk, she asked whether action was being taken to guarantee speedy access to affordable health care for women in those categories.

25. Noting also the disproportionately high number of women, particularly prostitutes, who lived with HIV/AIDS, notwithstanding the ongoing awareness-raising campaigns run by the Ministry of Health and by civil society organizations, she asked whether additional emergency measures had been adopted to facilitate access to antiretroviral therapy, particularly in light of the risk of mother-to-child HIV transmission. Lastly, she asked what procedures were used to monitor the implementation of health policies and assess their effectiveness and whether women with disabilities and internally displaced women were expressly covered in the health-care programmes developed by the Ministry of Health.

26. **Ms. Milton** (Haiti) said that, according to statistics for 2013/14 the primary school enrolment rate was 42 per cent for girls and 51 per cent for boys. Almost 29 per cent of secondary schools were in the public sector. The enrolment rates at that level were just under 37 per cent for girls and 47 per cent for boys and the total number of secondary school students was approximately 663,000.

27. The free and compulsory universal education programme covered the two cycles of primary education in both public and private schools. The Education for All programme also provided free education. The School Health Department of the Ministry of National Education and Vocational Training had implemented a number of programmes to promote student awareness of HIV/AIDS. Students had been invited to participate in a television programme on sexual health, and a guidebook for schools on HIV/AIDS had been published. Both had highlighted the gender equity dimension. Schooldays had been dedicated to health-care issues in May 2013 and August 2015 and certificates were issued to schools that met certain "friends of hygiene" criteria, including, inter alia, the requirement that they have at least one toilet for every 30 girls.

28. **Ms. Gelin** (Haiti) said that because girls in vocational schools had a tendency to opt for traditional careers that limited their job opportunities, the Government was organizing work placements and taking other steps to incentivize them to train as electricians,

plumbers and tilers. The Ministry for the Status of Women and Women's Rights was informed of sexual harassment cases in schools only if they involved a member of the teaching staff. In 2016, it had handled two such cases, both of which had been referred to the Ministry of Education and Vocational Training for appropriate action.

29. The Ministry for the Status of Women and Women's Rights was in the process of drafting a handbook on sexual and reproductive health education. It also ran workshops in schools, but it had faced a certain degree of resistance from religious schools because of an unwillingness to discuss issues such as contraception and gender equality.

30. **Ms. Romulus** (Haiti) said that the draft act on the labour conditions of domestic workers had not yet been promulgated, despite having been approved by the Parliament in 2008. The Ministry of Social Affairs and Labour was responsible for conducting workplace inspections. In January 2015, women had accounted for around 33 per cent of employees in the executive branch, 22 per cent of judges, and 14.3 per cent of heads of enterprises affiliated with the Association of Industries of Haiti (ADIH).

31. **Mr. Bazelais** (Haiti) said that steps were being taken to train more women judges. Responding to Ms. Chalal's earlier question, he confirmed that abortion was decriminalized in the new draft Criminal Code.

32. **Ms. Milton** (Haiti) said that, in recent years, the Ministry for the Status of Women and Women's Rights had been raising awareness of sexual harassment in schools. The initiative had originally targeted schools in the communes of Arcahaie and Cabaret but had since been extended to other parts of the country.

33. **Ms. Gelin** (Haiti) said that, to combat violence among students who attended different schools, all students had been made to wear the same uniform. Women street vendors were entitled to a card with which they could access health-care services and, thanks to a scheme set up by the Ministry of Social Affairs and Labour, could join forces and apply for microloans that were only partly repayable.

34. The Government was endeavouring to end the exploitation of *restavèk* children, who were placed with families wealthier than their own and expected to carry out household chores in exchange for food and housing. It had also taken steps to raise awareness of rape and of unintended pregnancy, particularly in communes in the east of the country, where rape was more prevalent as offenders could escape to the Dominican Republic with relative ease.

35. **Ms. Gbedemah**, noting that the 2012 Act on the Integration of Persons with Disabilities provided for special education, asked what was being done to promote inclusive education, for example by training teachers, reaching out to parents and ensuring that girls with disabilities were safe at school.

36. **Ms. Schulz** asked whether abortion was fully decriminalized in the new draft Criminal Code or whether its availability was still subject to certain restrictions. She invited the delegation to describe the measures taken in the area of health to respond to the specific needs of women and girls with disabilities, and said that the long delay in promulgating the draft act on the labour conditions of domestic workers and, for example, the lack of a law governing consensual unions could be considered indicative of negligence on the part of the authorities with regard to women's rights.

37. **Ms. Chalal** said that statistics on women living with AIDS would be useful and asked what measures were envisaged to strengthen the support provided to such women.

38. **Ms. Bailey** said that the Government needed to gather comprehensive data on national enrolment rates in order to determine how many children were attending school and, just as importantly, how many were not.

39. **Ms. Pimentel** said that she would appreciate clarification regarding the content of the articles of the new draft Criminal Code that dealt with abortion as well as statistics, disaggregated by sex, on the school attendance of *restavèk* children.

40. **Ms. Romulus** (Haiti) said that abortion was legal in the event of a pregnancy resulting from rape or incest. Responding to a request for clarification from Ms. Schulz, she confirmed that women and girls could also request an abortion even if they had not been raped.

41. **Mr. Bazelais** (Haiti) said that, if a young girl was forced to undergo an abortion following rape or incest, abortion remained punishable under the new draft Criminal Code.

42. **Ms. Gelin** (Haiti) said that the number of girls attending school had risen considerably in recent years thanks to various Government initiatives. For example, the availability of free school buses and free hot meals served as incentives for parents who might otherwise choose to keep their children at home. Increases in enrolment rates were particularly pronounced in rural areas, where in some cases children would previously have faced a two-hour hike in order to reach school.

43. **Ms. Romulus** (Haiti) said that a previously drafted bill to address the situation of women in consensual unions (*plaçage*) had failed to gain parliamentary support, even though such unions accounted for around three quarters of all unions in Haiti. The situation of women in relationships of that kind therefore remained unregulated, even if the relationship had lasted 20 years or more, but the Ministry for the Status of Women and Women's Rights was working on a new draft.

44. Persons with disabilities faced considerable stigmatization in Haiti. Children with disabilities were rarely enrolled in school as parents preferred to keep them hidden from view, perceiving them to be a source of family shame. The Government was taking steps to address the physical barriers to school attendance, for example, by installing access ramps, but the cultural and social obstacles would take longer to overturn.

45. There was no wage discrimination in the public sector. Government officers earned the same salary regardless of their gender. Unfortunately, although women continued to fight for wage parity, that situation was not reflected in the private sector. For example, the many female bank managers in Haiti earned less than their male peers. The delegation did not have information about the number of female labour inspectors but would endeavour to obtain the figures requested after the meeting.

Articles 13 and 14

46. **Ms. Pomeranzi**, noting that there appeared to have been no increase in the number of Haitians enjoying minimum social protection since the submission of the sixth periodic report, asked whether the various social programmes described in the combined seventh and eighth periodic reports together constituted a comprehensive, national social protection policy; whether they were supported by a national poverty reduction policy; and whether they had a gender focus. She would particularly like to know: whether a gender perspective was incorporated in cash transfer programmes such as the Ede Pep ("Helping people") social assistance programme; what role the Ministry for the Status of Women and Women's Rights played in planning women's economic empowerment measures; to what extent Haitian women's NGOs were involved in the development of such measures; and how, in the absence of an implementation plan, the State party expected to fulfil goals 11, 12 and 13 of its National Action Plan for Equality, which were very ambitious. The fact that women's status had not improved even though over two thirds of credit scheme beneficiaries were apparently women suggested that more effective approaches and more targeted programmes were needed.

47. **Ms. Acosta Vargas** said that she would like details of any Government measures to offset the negative impact that recent periods of prolonged drought had had on agricultural production, agricultural prices and the revenues of rural women. She would like to know more about the scope and impact of the World Bank Gender Action Plan for agriculture, including whether the plan was still operational, and also about measures adopted as a result of the analysis referred to in paragraph 154 of the periodic report. She further enquired: whether the international cooperation aid received by the State party had brought direct benefits for women in rural areas; what percentage of that aid was being used to fund programmes targeting rural women; whether the State party had statistics indicating how many Haitian women were farmers; how many such women had access to land ownership; whether any measures had been adopted to facilitate that access; what percentage of internal development aid was allocated to rural women; whether the State funded technical training to help increase women's productive efficiency; to what extent the Ministry for the Status of Women and Women's Rights cooperated with the Ministry of Agriculture, Natural Resources and Rural Development; what mechanisms were in place to ensure access to justice in rural areas; and what type of offences were most frequently reported by rural women.

48. **Mr. Bazelais** (Haiti) said that district judges were assigned to specific rural communities to deal with any disputes that might arise. Generally, such disputes were linked to agriculture. In principle, women had unrestricted access to land ownership, including through succession. The delegation was unable to provide statistics to support that observation at present but should be in a position to do once the results of a recent survey to measure land ownership among women became available.

49. **Ms. Gelin** (Haiti) said that the Government's efforts to assist rural women during and after the two recent droughts had included providing hot meals for their families and fertilizers to help them to recultivate their land. The 2014-2020 National Action Plan for Equality was designed to foster sustainable development and the authorities would do everything in their power to obtain sufficient funds for its full implementation. There was no specific plan addressing the situation of persons living below the poverty line. However, in recognition of agriculture's crucial role in development a significant slice of the State budget for 2016 had been allocated to that sector.

50. **Ms. Acosta Vargas** asked how the Government would ensure that the increased budget allocation brought direct benefits for rural women and what strategies it would use to increase their participation in decision-making.

51. **Ms. Romulus** (Haiti) said that the Government was in the process of creating agricultural credit banks to help raise rural women's standard of living. Those women were in a very different situation to women living in the capital city as they were involved in both the production and sale of agricultural products and for that reason had greater need for credit and technical support. The Government was endeavouring to provide assistance for agricultural processing, in addition to offering loans through the credit banks, but was constrained by the fragility of the economy. Certain areas were beginning to benefit but progress was not uniform nationwide and rural women remained the poorest segment of the population.

Articles 15 and 16

52. **Ms. Schulz**, highlighting a number of discriminatory provisions in the Civil Code, including the different marriageable ages for boys and girls and the year-long waiting period prior to remarriage imposed upon divorced women but not divorced men, asked what the State party was doing to address that discrimination and modernize the provisions of the Code, whether it had a time frame for those reforms and whether it had secured the necessary support from international agencies. An explanation of the political obstacles

blocking the adoption of a law on consensual unions that would guarantee the rights of the vast numbers of women living in such unions, and also those of their children, would be appreciated.

53. Returning to the issue of land ownership and noting that customary law provisions concerning the inheritance and succession rights of women differed significantly from the parallel civil law provisions, she asked what was being done to harmonize the two systems and eliminate the discrimination inherent in both. With regard to the recently promulgated Paternity, Maternity and Filiation Act, she would like to know how the authorities would ensure that women were aware of their rights and knew how to apply for child maintenance, including in cases where the fathers were staff members of the United Nations Stabilization Mission in Haiti. Lastly, expressing concern about the lack of medical laboratories equipped to conduct DNA tests in Haiti and the prohibitive costs that women seeking to establish paternity could face as a result, she asked what support was available to assist women in that situation.

54. **Mr. Bazelais** (Haiti) said that the mismatch between formal and informal law was an issue of great concern for the Government. A committee had been established to review the Civil Code and the parallel provisions of customary law and work was already under way. The Government was also working to address the inadequate regulation of consensual unions. Children born of such unions had the usual maintenance and inheritance rights, provided they were recognized by the father. However, the inheritance and other rights enjoyed by their mothers upon the father's death or at the end of the relationship were not clearly established and existing case law was neither consistent nor binding.

55. **Ms. Romulus** (Haiti) said that the Ministry for the Status of Women and Women's Rights received numerous complaints from women who were unable to claim maintenance for their children because the children had no birth certificate and/or had not been recognized by their father. In those situations, the burden of proof in establishing paternity lay with the mother, who often lacked the resources to undertake a DNA test. The Paternity, Maternity and Filiation Act provided for the adoption of an implementing decree to address that problem and the Ministry had launched a nationwide campaign to raise awareness of its provisions.

56. **Ms. Schulz**, noting that United Nations staff members and diplomats were excluded from the scope of the Paternity, Maternity and Filiation Act, asked whether women who had had children by United Nations staff members received any form of support from the United Nations in claiming child maintenance or whether the fathers were exempted from the usual parental obligations. She also wondered whether, in view of men's reticence in recognizing paternity, the burden of proof could not be reversed so that the alleged father was required to take a DNA test at his expense in order to disprove paternity.

57. **Ms. Pimentel** asked whether DNA testing was the only way to resolve paternity disputes. Since testing was expensive, could the testimony of members of the local community as to the existence of a long-term spousal relationship serve as evidence?

58. **Ms. Romulus** (Haiti) said that the existence of a long-term relationship between a man and a woman did not necessarily mean that the man was the biological father of her children. Men did on occasions take paternity tests on their own initiative, generally to prove rather than disprove paternity. Because the Paternity, Maternity and Filiation Act had eliminated the distinction between lawful and unlawful children, some of the obstacles to recognition of paternity had been removed, since men who had children with more than one woman were now able to recognize all their offspring as lawful children.

59. **Mr. Bazelais** (Haiti) said that the testimony of members of the community might be used to support a paternity claim but did not constitute evidence in its own right. At present, there was a lack of specific legislation to address situations in which fathers refused to

recognize paternity. A considerable number of United Nations staff members had had children with Haitian women and most of them had assumed due responsibility. However, in cases where they abrogated their responsibility, their status as United Nations staff members did afford a certain immunity. In his view, that immunity should be reviewed.

The meeting rose at 12.30 p.m.